DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
915 WILSHIRE BOULEVARD, SUITE 930
LOS ANGELES, CA 90017

REPLY TO
ATTENTION OF:

March 5, 2014

Regulatory Division

Tracey Brownfield
Land Veritas, Corp
1505 Bridgeway No. 209
Sausalito, California 94965

Dear Ms. Brownfield:

I am writing in reference to the proposed Petersen Ranch Mitigation Bank sponsored by your organization, Land Veritas, Corp. The proposed mitigation bank would service the Santa Clara River watershed (HUC 8:18070102) and portions of the Antelope-Fremont Valley Watershed (HUC 8: 18090206).

Based on the prospectus, comments of the Interagency Review Team (IRT), and a recent site visit to verify the provided jurisdictional delineation, I am writing to provide our initial evaluation of the proposed mitigation bank. The Corps believes the proposed bank has the potential to provide compensatory mitigation opportunities for permittees authorized to impact wetlands and other aquatic resources under Section 404 of the Clean Water Act or as a means of resolving enforcement actions.

You submitted a complete prospectus in August 2013. The Corps published a 30-day public notice on December 13, 2013 soliciting comments on the prospectus. We received three agency comment letters. Also included are two previous agency comment letters received in response to the separate Elizabeth Lake Mitigation Bank proposal prior to the combined Petersen Ranch prospectus being submitted. These comment letters are enclosed and summarized below. Please review and provide a written response to the comments.

The Environmental Protection Agency (EPA) Region 9 provided comments for the initial Elizabeth Lake Mitigation Bank Public Notice on July 18, 2013. Please see the attached letter from EPA which addresses the following topics: Site history and surrounding land uses, existing easements and encumbrances, bank development and crediting, and service areas.

The U.S. Department of Agriculture provided an informational letter to the initial Elizabeth Lake Mitigation Bank Public Notice on July 19, 2013. The letter notified the applicant of existing access easements held by the U.S. Government located across the parcels proposed for the Elizabeth Lake Bank site. Additionally, the Forest Service noted that Elizabeth Lake is currently on the Clean Water Act 404(d) list of impaired waters.

The Federal Emergency Management Agency (FEMA), in a letter dated December 16, 2014, provided information pertaining to the National Flood Insurance Program (NFIP) floodplain management building requirements for the applicant's review and consideration.

The Environmental Protection Agency (EPA) Region 9 provided comments on January 17, 2014. The EPA made the following comments regarding the combined prospectus to supplement initial comments (see above) submitted in response to the previous Elizabeth Lake prospectus and public notice:

- The grazing plan mentioned should be incorporated into the banking enabling instrument (BEI).
- The crediting determination in the BEI should support the 53.69 acres of wetland enhancement resulting from the removal of berms and excavated ponds.
- EPA supports a stream rehabilitation component.
- Use of stream preservation credits should follow requirements of existing preservation banks that have limitations on when they can be used and only after a project is mitigated at least 1:1 by restoration, enhancement, etc. as appropriate.
- Almost the entire property is currently located within a proposed buffer area. Credits for buffers should be limited to a narrower area unless there is sufficient evidence to support that the entire 250 meter proposed buffer is necessary to provide buffer benefits to the aquatic resources. The buffers should be limited to only those widths necessary to provide real benefits as beyond a certain width, there are diminishing returns.
- Recommend eliminating Lower Santa Clara sub-basin or limiting to similar habitat and resource types in the Lower Santa Clara and obviously prohibiting any credits for impact to tidal channels or marsh.

The Lahontan Regional Water Quality Control Board sent a letter of support for the bank on January 17, 2014, but had no additional comments regarding the prospectus at this time. In addition, the Corps has the following comments regarding the prospectus:

- The final amount of credit has not yet been determined and will depend on the Corps' review of the credit determination methodology and mitigation plan(s) in the banking enabling instrument (BEI).
- The BEI should include a detailed description of any non-restoration activities proposed to be allowed within the bank boundaries such as grazing, recharge, etc. For example, will grazing be allowed to continue? If so, where, and what steps would be taken to mitigate for long-term grazing effects.
- Exclusion of grazing from any particular area is not, in itself, sufficient to generate enhancement credits unless a clear link between functional increases and restoration activities is established through monitoring data.
- Stream credits: the BEI should distinguish between streams that contain waters of the U.S. and those that are not subject to the Corps jurisdiction.
- Buffer credits: the Corps does not agree with the initial acreages of buffer credit described in the prospectus. The BEI should be modified to reflect Corps and IRT input regarding appropriate buffer credit determination.

After reviewing the comment letters, attending several meetings and teleconferences, and completing a site visit to verify the jurisdictional delineation, the Corps of Engineers requires the following additional information.

- As discussed in our meeting at the Corps offices on January 13, 2014, please address the following:
  - An eco region map overlaid on the proposed service areas, including any proposed tertiary service areas. The overlay should be at a sufficiently detailed level of classification (e.g. HUC10). There should be two service areas; one for the portions of the Bank in the Santa Clara River watershed and the second for the portions of the Bank that flow into the Antelope Valley Watershed.
  - Please provide the proposed CRAM assessment areas and a corresponding figure depicting the chosen areas. All habitat types for the desired credits should have a CRAM assessment area, including the alluvial fans (i.e. one point per alluvial fan). A CRAM baseline will be required for preservation credit areas as well. The Corps and IRT will need to review and approve the proposed assessment areas prior to the field work being performed.
  - Performance criteria and reporting periods should be longer than the typical 5 years due to the current drought conditions and the low rainfall typical of the high desert. A 10 or 12 year performance standard may be more appropriate. The appropriate monitoring period should be discussed in greater detail in the BEI. Please see information pertaining to Uniform Performance Standards at http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences/tabid/10390/Article/7555/12505-spd.aspx and incorporate as appropriate.

- As a result of the JD verification (February 5-6, 2014) and discussion during the monthly IRT call on February 18, 2014, please address the following issues:
  - During our site visit, several aquatic resource areas near Elizabeth Lake could not be verified due to the recent fire and the very dry conditions. These Elizabeth Lake aquatic resources with two or more wetland parameters that were documented in the past should be monitored and would be eligible for credits if, in accordance with the Arid West Regional Supplement, at least two parameters are detected during the monitoring period. To provide the maximum amount of time for the above aquatic resource areas to meet two or more wetland parameters, all other credit sales should be exhausted prior to the Corps making a credit determination regarding these problematic aquatic resources.
  - The Corps is willing to accept 5.5 acres of alluvial fan area as re-establishment of non-wetland waters of the U.S. based on the previously submitted engineering reports. Any credit requested beyond this would be performance based and subject to additional review by the Corps and the

rest of the IRT.

- Drainages that flow to the California aqueduct will not receive mitigation credit from the Corps. Tributaries to Armagosa Creek with an OHWM could receive credit.
- Attached are a spreadsheet for the Petersen Ranch wetlands verified by Corps staff and a spreadsheet for the ephemeral drainages with a previously delineated OHWM visited by Corps staff. The spreadsheet indicates the wetland and/or water number, Corps determination, and any additional notes. The Petersen Ranch wetlands highlighted in red indicate questionable wetlands or suggested "performance-based" wetlands due to lack of one or more indicators. These wetlands will not be considered wetlands unless additional evidence is provided to show that wetland criteria are met (for preservation only) or that wetland criteria have developed as the result of restoration activities and as shown by monitoring. The wetlands highlighted in yellow indicate very low-functioning wetlands. Low functioning wetlands proposed for preservation only may not be creditable.
- Of the wetlands visited by Corps staff, six wetlands required modification. In areas where the jurisdictional line was requested to be moved, the Corps has agreed to consider buffer credit for the excluded area.
- Of the non-wetland waters inspected by the Corps, sixteen require modification and/or removal.
- Please provide a written description and corresponding map of the proposed recharge areas within the Petersen Ranch site. Please provide the method of recharge and how the proposed recharge will affect the existing and/or proposed wetlands and non-wetland waters on the site. What maintenance would be required? What infrastructure, if any, in or out of the recharge area would be required? What activities would be allowed within this area? Would this area be within the boundary of the bank's CE?

The next step in the process for establishing a mitigation bank is to begin work on a draft instrument. Upon receipt of a complete draft instrument, the Corps will forward the draft instrument to the IRT for a 30 day comment period. For a compensatory mitigation bank, the draft instrument must include these following elements (33 C.F.R. § 332.8(d)(6)(ii)):

(a) A description of the proposed geographic service area of the mitigation bank or in-lieu fee program.
(b) Accounting procedures;
(c) A provision stating that legal responsibility for providing the compensatory mitigation lies with the sponsor once a permittee secures credits from the sponsor;
(d) Default and closure provisions;
(e) Reporting protocols;
(f) Any other information deemed necessary by the district engineer (see above);
(g) Mitigation plans that include all applicable items listed in § 332.4(c)(2) through (14);
(h) A credit release schedule, which is tied to achievement of specific milestones.

Please review and provide a written response to all of the enclosed letters and all of the above issues. We look forward to receiving the requested information and draft instrument. We ask that you provide the requested information within 60 days from the date of this letter or let us know if you need an extension. If you have any questions regarding this letter, please contact me at (213) 452-3419 or Brianne.E.McGuffie@usace.army.mil.

Sincerely,

MCGUFFIE.BRIANNE.E.1297593150

Digitally signed by MCGUFFIE.BRIANNE.E.1297593150
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USA, cn=MCGUFFIE.BRIANNE.E.1297593150
Date: 2014.03.05 16:21:04 -08'00'

Brianne McGuffie
Project Manager
LA & San Bernardino Section
North Coast Branch
Regulatory Division

Copy to:

Julie Vandermost, Vandermost Consulting
Shawn Gatchel-Hernandez, Vandermost Consulting
Tim DeGraff, WRA
Paul Amato, EPA Region 9
Justin Seastrand, Forest Service
Jan Zimmerman, Lahontan RWQCB
David Lawhead, CDFW

USEPA Region 9 Comments on the Final Prospectus for the proposed Elizabeth Lake Mitigation Bank

July 18, 2013

Provided by:
Paul Amato
Wetlands Regulatory Office
U.S. EPA, Region 9
75 Hawthorne Street, WTR-8
San Francisco, CA 94105-3901
t:(415) 972-3847
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Elizabeth Lakes Final Prospectus

Overall, the property appears to have the potential to provide compensatory mitigation credits for unavoidable impacts to waters of the US that are approved by Corps permits. The proposed bank includes opportunities to improve a variety of habitat types, including improving wetland and riparian functions, and the unique opportunity to restore alluvial fan processes in the upper Santa Clara River watershed on a parcel that is largely surrounded by National Forest Lands. In general, the Prospectus and appendices provides both narrative and graphic information that is very helpful in describing the existing site, natural resources and potential improvements. Suggestions for additional information, clarifications and corrections are provided to assist with the development of the Draft Instrument.

Section 5.4 Site History and Surrounding Land Uses: What is the zoning, and what are any planned uses for the land north of Elizabeth Lake Road located between the western isolated portion of the bank, and the eastern area within the Angeles National Forest? It appears that a school, or school district buildings are present along with several roads. Is there future development planned here and is there a need to put measures in place to avoid impacts to the bank from existing or future land uses north of the road?

Section 5.6 Existing Easements and Encumbrances: Easements are discussed, including the Department of Agriculture's easement for the South Portal Road for potential access to the Angeles National Forest. For clarification, the description locates the road and easement in Lucky Canyon when in fact it is Munz Canyon. More importantly, how likely is it that the easement can be moved and if so, where to? The current placement obviously poses a potential limitation to the restoration of natural alluvial fan processes. Are there opportunities to relocate it and avoid limiting the intended purpose of the fan restoration.

Do any of the transportation or utility easements allow operations and maintenance activities that warrant including a buffer between the easement and creditable areas of the bank? Further discussion of this may be warranted in the Instrument as part of the credit determination approach.

Was the result of the remoteness opinion, for the parcels where mineral rights are not owned by the sponsor, that the potential for mineral development is negligible or not? It would be good to further explain the results in the instrument.

Section 6.0 Bank Development and Crediting:

The figure numbers identified are off for each of the habitat descriptions. Should be 12, 13 and 14, not 11, 12 and 13.

The northwest diamond shaped parcel appears to have a very limited area of what may be a jurisdictional water adjacent to Elizabeth Lake Road. This feature is probably not well suited to provide 404 credits due to its proximity to the road.

Alluvial fan restoration opportunities in Lucky and Munz Canyon may be appropriate for 404 credits but the specific design approach should be described (presumably from among the Geomorphology Report alternatives), including what the resulting impacts to existing ephemeral drainage and any other associated habitats would be.

Figure 4 in Appendix A identifies 1.4 acres of dry wash and 5.25 acres of dry wash active floodplain as "Potential Section 404 Non-Wetland Waters Features". Similarly, the Delineation Report includes a figure of biological communities with Corps jurisdiction that identifies the same areas as "Extent of Corps Jurisdiction". Has the Corps made a determination whether these areas are in fact jurisdictional?

How would credits be determined if the approach is limited to passive restoration from removing the dams?

Munz Canyon: If an agreement cannot be made to move the South Portal Road easement, then how will the plan to restore alluvial fan proceed? Are there viable options for relocating the easement and if so, what impacts would a new alignment incur on existing resources?

Also, the 1948 pre-dam aerial photo shows an active channel following a similar alignment to the existing, incised channel, yet this channel would be filled as part of the bank, presumably resulting in a gap between the channel upstream and downstream. If this is the case, it appears that filling the incised channel would actually result in permanent impacts to a portion of the historically natural channel alignment. These impacts should be accounted for.

Lucky Canyon: Will modifications at Lucky require excavation or other activities on National Forest lands and are National Forest personnel open to permitting these activities? Generating credits from work on National Forest lands would be complicated.

How will the Lucky Canyon fan restoration prevent the existing Painted Turtle concrete channel from capturing and concentrating flows coming off the restored fan?

Emergent marsh would be created along southern shore of the lake by building an "expanded shelf". Presumably this would be done by placing fill in the lake. What is the reason(s) that the emergent marsh is thinner in this area and are there physical processes that would result in the expanded shelf not being sustainable? For example, wave erosion due to prevailing winds and lake circulation patterns. What will the impacts be to existing resources?

Seasonal wetlands will be "established" in upland areas where groundwater and clay soils are appropriate. Are these going to be restored from former degraded wetlands or will they be newly created wetlands? Will the roads and existing structures (for animals?) south of the proposed emergent marsh expansion area remain or will they be removed, and if they are to remain, will they have a negative effect on the proposed seasonal seeps?

Riparian woodland is proposed in an existing break "in the center of the property" but figure 14 shows restoration at the western extent of the property. Please verify that the only riparian restoration area proposed is that indicated on figure 14 and correct the narrative description to avoid confusion. There are some thin riparian areas closer to the center of the proposed bank property near the emergent marsh enhancement area that could also provide restoration opportunities. Why isn't this area selected?

Also, is it possible to get an easement for the area along the western end of the lake that is just outside the bank that would allow for additional riparian enhancement opportunity?

Section 7.1 Service Areas:

The service area discussion in the instrument should be updated to reflect that the LA District has adopted the cited 2010 Sacramento District Service Area Guidance.

More justification for the large wetland and riparian service area should be provided. Currently there is very little discussion from either an ecological or economic perspective. As stated in the Guidance, the level of justification should be commensurate with the scale at which the service area would go beyond the HUC-10 where the bank is located. In this case, the proposed service area includes eight additional HUC-10 watersheds in the Santa Clara River HUC-8 watershed plus two HUC-10 watersheds that are outside the Santa Clara River HUC-8. Consistent with the Rule, the service area must be sized to ensure the improvements at the bank will offset ecological impacts across the entire service area. The sponsor should provide additional information that clarifies how the improvements at the bank will offset impacts across the entire service area and should clearly describe how this will also apply to the Ventura and Los Sauces Creek watersheds to the north.

For desert wash and alluvial fan, the service area omits the Ventura River and Los Sauces Creek watersheds and adds the LA County portion of the Antelope Valley HUC-8 watershed. Similar to the proposed service area for wetland and riparian habitats, the instrument should further define how alluvial fan restoration at the site will offset ecological impacts across the entire HUC-8 Santa Clara River watershed and the LA County portion of the HUC-8 Antelope Valley watershed. Regarding Antelope Valley, it seems rather arbitrary to use a political boundary like the LA County border for determining the service area. This should be explained further.

Should reference figure 15, not 14 for the service area boundary and 16, not 15 for the Antelope Valley service area.

USDA United States Department of Agriculture | Forest Service | Angeles National Forest SO | 701 N. Santa Anita Ave. Arcadia, CA 91006-2725 626-574-1613 Voice 800-735-5789 CRS

File Code: 2520
Date: July 19, 2013

Shannon Pankratz
Project Manager
U.S. Army Corps of Engineers
915 Wilshire Boulevard
Los Angeles, CA 90017

Dear Ms. Pankratz:

I have received your public notice regarding a proposed mitigation bank, pursuant to the Compensatory Mitigation Rule, at Elizabeth Lake. The proposed site is adjacent to National Forest System (NFS) lands within the Angeles National Forest (ANF). I appreciate the opportunity to submit the following comments for your consideration.

A preliminary search of our records indicates that the U.S. Government holds access easements across the parcels proposed for the mitigation bank. These access rights represent an important investment of public resources to secure access to public lands, and are typically held in perpetuity. At this time these roads are used only for administrative access, and are not open to the public. However, the Forest Service cannot guarantee that there would not be a need to utilize these easements for public access in the future.

The ANF manages NFS lands according to our Land Management Plan (LMP). This plan uses a zoning approach, and the land use zones assigned to lands adjacent to the proposed mitigation bank are "Backcountry" and "Developed Area Interface". We have enclosed the descriptions of these zones from our LMP for your reference. In general, these lands are managed for a wide variety of uses, including recreation, developed facilities, habitat, water quality, special use permits, and wildfire protection.

The NFS lands on the north side of the lake include the Elizabeth Lake Picnic Area, a developed recreation site that includes a 95 vehicle capacity parking area, a boat launch, barbecue grills, and picnic tables. Activities include fishing, swimming, boating with a limit of 10 horsepower or less motors, wildlife viewing, and picnicking. The site is open year round and generally receives the highest use during the summer, when it often reaches capacity. Additional areas outside this developed site allow access to the lake for similar types of dispersed recreation.

The lands included in the proposed mitigation bank, as well as the surrounding NFS lands, were recently burned in the Powerhouse Fire, and are expected to contribute a large sediment load increase into Elizabeth Lake. The Forest Service's Burned Area Emergency Response program has determined that at this time, land treatments to address this potential sediment load would not be cost effective given the severity of the fire and the steepness of surrounding slopes. The Forest Service will continue involvement in a broad coordination effort, working with interested agencies, public, and landowners to monitor the fire's effects on these landscapes.

The lake is currently on the Clean Water Act 303(d) list of impaired waters. A total maximum daily load of no trash directly in the water has been established, and the Forest Service continues to work toward this goal in our management of lands adjacent to the lake.

These comments are provided for informational purposes, and I would like to continue dialog with both the Army Corps and the mitigation bank sponsor to ensure that management of adjacent NFS lands and the objectives of the mitigation bank are as compatible as possible.

Please contact Bob Blount, District Ranger, 661-269-2818, ext.225, or wmblount@fs.fed.us to keep the Forest Service informed of the progress of this proposal, or if you would like to further discuss any of this information. I look forward to continued cooperation in meeting the requirements of the Clean Water Act.

Sincerely,

THOMAS A. CONTRERAS
Forest Supervisor

cc: LTanga Watson, Wilburn M Blount, Jeff D TenPas, Julie C Uyehara

Enclosure

way modify zoning applied to other ownerships by local government agencies. When other lands are acquired and become National Forest System lands, then the adjacent land use zones are applied unless changed through a Forest Plan Amendment. The land use zone descriptions in this section help to paint a picture of the anticipated level or intensity of public use or administrative activities. The existing character of each zone is included, along with the characteristic Recreation Opportunity Spectrum (ROS) objective (see Appendix C, Recreation Opportunity Spectrum Maps). The zones, in order of decreasing land use intensity are:

- Developed Area Interface (DAI)
- Back Country (BC)
- Back Country Motorized Use Restricted (BCMUR)
- Back Country Non-Motorized (BCNM)
- Critical Biological (CB)
- Recommended Wilderness (RW)
- Existing Wilderness (EW)
- Experimental Forest (EF)

Developed Area Interface (85,828 acres or 13 percent of the national forest): This zone includes areas adjacent to communities or concentrated use areas and developed sites with more scattered or isolated community infrastructure. The level of human use and infrastructure is typically higher than in other zones.

The characteristic ROS objectives are Rural and Roaded Natural. A number of highly popular developed recreation facilities, recreation and non-recreation special-uses facilities and national forest administrative facilities may be included in this zone. The level of development within this zone varies between areas that are highly developed to areas where no development has occurred.

The DAI zone is managed for motorized public access. Approximately 23.6 percent of the National Forest System and non-system user created routes are found in this zone including about 30 miles of unclassified road. The national forest road system is generally managed and maintained to a high standard, facilitating public access to developed recreation opportunities and authorized infrastructure. A designated off-highway vehicle (OHV) system may be included in some locations, often including trailheads or staging areas leading to Back Country areas.

Most direct community protection Wildland/Urban Interface Defense Zones (see Appendix K in Part 3 of the forest plan) and some Threat Zones are anticipated to be located within the DAI land use zone.

Although this zone may have a broad range of higher intensity uses, the management intent is to limit development to a slow increase of carefully designed facilities to help direct use into the most suitable areas and concentrating on improving facilities before developing new ones. National Forest staff expect that there will be some road construction, but anticipate no more than a 5 percent net-increase in road mileage.

Back Country (161,392 acres or 24 percent of the national forest): This zone includes areas of the national forest that are generally undeveloped with few roads. The characteristic ROS objectives are Semi-Primitive Motorized with limited areas of Roaded Natural. Most of the

national forest's remote recreation and administrative facilities are found in this zone. The level of human use and infrastructure is generally low to moderate.

The zone is managed for motorized public access on designated roads and trails. Approximately 45.5 percent of the National Forest System and non-system roads are found in this zone including 44 miles of unclassified road. Some roads within this zone may be closed to public access. The majority of National Forest System roads and other road systems that interconnect areas of concentrated development are found in this zone. A network of low standard Back Country roads provide access for a wide variety of dispersed recreation opportunities in remote areas such as camping and access to trailhead facilities for hiking or biking. Some new trails may be constructed to improve opportunities between trails on the existing system. The majority of the designated OHV system is found here including limited areas that are designated for OHV use (Angeles and Cleveland National Forests).

Wildland/Urban Interface Threat Zones (see Appendix K in Part 3 of the forest plan) are characteristic in this zone. Managers anticipate locating community protection vegetation treatments that require permanent roaded access (such as fuelbreaks) within the Back Country land use zone.

Although this zone generally allows a broad range of uses, the management intent is to retain the natural character inherent in this zone and limit the level and type of development. National Forest staff expect to manage the zone for no increase or a very low level of increase in the national forest road system. Managers expect to limit development to a slow increase of carefully designed facilities to help direct use into the most suitable areas and remove temporary facilities when they are no longer needed.

Back Country (Motorized Use Restricted) (52,791 acres or 8 percent of the national forest): This zone includes areas of the national forest that are generally undeveloped with few roads. Few facilities are found in this zone, but some may occur in remote locations. The characteristic ROS objectives are Semi-Primitive Motorized and Semi-Primitive Non-Motorized. The level of human use and infrastructure is low to moderate.

The zone will be managed for non-motorized (mechanized, equestrian, and pedestrian) public access. Motorized use is restricted to administrative purposes only that includes Forest Service, other agency, or tribal government needs, as well as access needed to private land or authorized special-uses. Administrative access is intermittent and generally limited to existing roads or to temporary roads needed for resource management purposes. The intent is to use temporary roads or gated permanent roads while management is occurring and then gate the permanent roads or remove the temporary routes when done.

Approximately 22.8 percent of the National Forest System and non-system roads are found in this zone including 16 miles of unclassified road. A limited number of National Forest System roads and other road systems that access administrative and authorized facilities and private land are found here. A network of low standard Back Country roads provides access for a wide variety of non-motorized dispersed recreation opportunities including camping, hiking, biking, hunting and fishing. Designated OHV use is not suitable in this zone.

Wildland/Urban Interface Threat Zones (see Appendix K in part 3 of the forest plan) are characteristic in this zone. Managers anticipate locating community protection vegetation treatments that require permanent roaded access (such as fuelbreaks) within the Back Country Motorized Use Restricted land use zone.

Although this zone allows a range of low intensity land uses, the management intent is to retain the natural character of the zone and limit the level and type of development. Some roads will be constructed and maintained, but the intent is to manage the zone for no increase or a very low level of increase in system development. Managers will consider expanding the ability of existing facilities to meet demand before proposing new facilities and removing temporary facilities when they are no longer needed.

Back Country Non-Motorized (248,399 acres or 37 percent of the national forest): This zone generally includes areas of the national forest that are undeveloped with few, if any roads. The characteristic ROS objective is Semi-Primitive Non-Motorized. Developed facilities supporting dispersed recreation activities are minimal and generally limited to trails and signage. The level of human use and infrastructure is low.

The zone is managed for a range of non-motorized uses that include mechanized, equestrian and pedestrian public access. Administrative access (usually for community protection) is allowed by exception for emergency situations and for short duration management purposes (such as fuel treatment). The intent is to use temporary routes while management is occurring and then close or remove the route. Access to authorized facilities and to private land is not anticipated but may occur by exception when there are existing rights to such access.

Approximately 3.1 percent of the National Forest System and non-system roads are found in this zone including about 11 miles of unclassified road. A network of low standard Back Country trails provide public access for a wide variety of non-motorized dispersed recreation opportunities including remote area camping, hiking, mountain biking, hunting and fishing. Designated OHV use is not suitable in this zone, and no designated OHV routes are located in this zone.

Wildland/Urban Interface Threat Zones (see Appendix K in Part 3 of the forest plan) may occur in this zone. Managers anticipate locating community protection vegetation treatments that require only temporary roaded access (such as mechanical thinning of trees or prescribed burning) within the Back Country Non-Motorized land use zone.

While a range of non-motorized public uses are generally allowed, the management intent is to typically retain the undeveloped character and natural appearance (fuelbreaks that contrast with the natural character may be present) of this zone and to limit the level of development to a low level of increase. Facility construction (except trails) is generally not allowed, but may occur in remote locations where roaded access is not needed for maintenance. Managers are expected to remove temporary facilities when they are no longer needed.

Critical Biological (3,920 acres or less than 1 percent of the national forest): This zone includes the most important areas on the national forest to manage for the protection of species-at-risk. Facilities are minimal to discourage human use. The level of human use and infrastructure is low to moderate.

Wildland/Urban Interface Threat Zones (see Appendix K in Part 3 of the forest plan) may occur in this zone. Community protection vegetation treatments within the Critical Biological land use zone may occur by exception. In these cases, managers will consider species and habitat needs.

The management intent is to retain the natural character and habitat characteristics in this zone and limit the level of human development to manage for protection of species-at-risk. Activities and modification to existing infrastructure are allowed if they are beneficial or neutral to the species for which the zone was primarily designated (see table 524: Angeles NF Critical

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052

FEMA

December 16, 2013

Brianne McGuffie, Project Manager
U. S. Army Corps of Engineers, Corps of Engineers
Los Angeles Division
P. O. Box 532711
Los Angeles, California 90053-2325

Dear Ms. McGuffie:

This is in response to your request for comments regarding USACE Public Notice SPL-2012-00669-BEM, Petersen Ranch Mitigation Bank project.

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of Los Angeles (Community Number 065043), Maps revised September 26, 2008. Please note that the County of Los Angeles, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any ***development*** must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** *A hydrologic and hydraulic analysis must be performed prior to the start of development, and must demonstrate that the development would not cause any rise in base flood levels.* No rise is permitted within regulatory floodways.

- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/business/nfip/forms.shtm.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Los Angeles County floodplain manager can be reached by calling George De La O, Senior Civil Engineer, at (626) 458-7155.

If you have any questions or concerns, please do not hesitate to call Michael Hornick of the Mitigation staff at (510) 627-7260.

Sincerely,

Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:
George De La O, Senior Civil Engineer, Los Angeles County
Garret Tam Sing/Salomon Miranda, State of California, Department of Water Resources, Southern Area
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USEPA Region 9 Comments on the Final Prospectus for the proposed Petersen Ranch Mitigation Bank

January 17, 2014

Provided by:
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EPA recognizes the significance of this property to the Southern California region and the potential to improve and conserve a variety of important aquatic resources and upland habitats. The size and diversity of this proposed bank make for an excellent opportunity to preserve and improve unique resources at an ecosystem scale. EPA supports the sponsor's pursuit of this mitigation bank, in addition to the nearby Elizabeth Lake property, and recommends the development of a draft bank enabling instrument. The following comments are provided in addition to EPA's previous comments on the Elizabeth Lake Prospectus, submitted July 18, 2013, prior to the merging of the two properties into one bank.

P. 7, 5.0, Proposed Ownership: Sponsor proposes to extend the grazing lease in compliance with IRT approved grazing plan. This should be done in a way that mimics natural grazers that would have occupied the landscape prior to settlement to help with fire suppression and invasive plant management. Grazing plan should be incorporated into the instrument.

p. 17, 7.1.3, Wetland Enhancement Credits: Says that enhancement to 53.69 acres of wetlands would occur from removal of berms and addressing excavated ponds. How was it determined that this much area would be enhanced by improved hydrology? This should be supported as part of the crediting determination in the BEI.

p. 19, 7.4.1, Stream Rehab Credits: EPA supports adding a stream rehab component that re-contours the currently degraded stream channel in addition to removing the existing berm that separates the stream and floodplain.

p. 20, 7.4.2, Stream Preservation: Use of these preservation credits should follow requirements of existing preservation banks that have limitations on when they can be used and only after a project is mitigated at least 1:1 by restoration, enhancement, etc. as appropriate.

Figure 11, Buffers: The stream and wetland buffers are all 250 meters (820 feet), resulting in almost the entire property being within a buffer. Credits for buffers should be limited to a narrower area unless there is sufficient evidence to support that the entire 250 meters is necessary to provide buffer benefits to the aquatic resources. Obviously the wider the buffer the more protection there is but for the

purposes of credit determinations, the buffers should be limited to only those widths necessary to provide real benefits. Beyond a certain width, there are diminishing returns.

Figure 14a. Service Area: The primary service area seems reasonable. For the secondary service area, going all the way to the ocean seems rather far. Recommend eliminating Lower Santa Clara sub-basin or limiting to similar habitat and resource types in the Lower Santa Clara and obviously prohibiting any credits for impacts to tidal channels or marsh.

January 17, 2014

File: 401 WQC General

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LETTER OF SUPPORT FOR THE PETERSEN RANCH MITIGATION BANK

The California Regional Water Quality Control Board, Lahontan Region (Water Board) is pleased to support the establishment of the Petersen Ranch Mitigation Bank. Currently, there are no mitigation banks or in-lieu fee programs within the Lahontan Region. Once established, the Petersen Ranch Mitigation Bank would be the first of its kind in the south Lahontan region and would be a valuable asset to our regulatory program.

The Lahontan Region is experiencing increased regulatory pressure on aquatic resources from urban development, infrastructure (roads and rail), and renewable energy projects (solar and wind). In accordance with the recent U.S. Army Corps of Engineers (USACE) Mitigation Rule, we are placing a greater emphasis on assessing the condition of both impacted and proposed mitigation sites, applying function-based mitigation performance standards, and exercising a watershed approach to permitting and mitigation decisions. Currently, mitigation options for our permittees are limited, especially for mitigating impacts to headwater streams and wetlands. The Petersen Ranch property would offer opportunities to mitigate for a variety of aquatic resources, particularly headwater systems and wetland complexes.

Water Board staff look forward to continuing to work with the USACE and other members of the Petersen Ranch Interagency Review Team on this important effort. Should you have any questions, please feel free to contact Patrice Copeland, Senior Engineering Geologist at patrice.copeland@waterboards.ca.gov or (760)-241-7404 or Jan Zimmerman, Engineering Geologist jan.zimmerman@waterboards.ca.gov or (760) 241-7376.

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Cc: Mike Plaziak, Lahontan Water Board
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Patrice Copeland, Lahontan Water Board

Wetland #	action	notes
WI (near SP1)	move line in 20' (Nate documented on GPS handheld)	
W1 (near SP9)	move line in (Nate documented on GPS handheld)	
W9	ok	faint redox
W3	ok	
W10	ok	heavy redox
W17	ok	
W22	ok	peat-like vegetation. Cattails, scirpus
W27	performance based wetland?	weak redox (approx 15%) and no oxidized rhizospheres which was basis for hydrology at SP13
W29	performance based wetland?	did not get to this wetland but likely simair to W27 and W32
W30	questionable	island of higher elevation than surrounding area but supposed to be a seasonal wetland
W32	performance based wetland?	no redox; different from SP19. vegetation and topo would indicate wetland
W40	should not be a separate wetland; should be incorporated into W50	Spencer (WRA) noted the change
W42	ok but low functioning	Inside old corral/pasture. Higher up on slope
W45	ok	redox features present, cattail, bullrush
W49	should not be a separate wetland; should be incorporated into W50	Spencer (WRA) noted the change
W53	performance based wetland?	no data sheets. Did not exhibit any redox or hydrology
W54	performance based wetland?	no data sheets. Did not exhibit any redox or hydrology
W56	ok	

W57	performance based wetland?	no data sheets. Did not exhibit any redox or hydrology
W59	performance based wetland?	no data sheets. Did not exhibit any redox or hydrology
W60	ok	desert peach/almond/olive (FAC)
W68	ok	SP 27, strong redox, juncus, thistle
W71	ok	juncus
W72	ok but low functioning	small, some redox but low percentage
W74	ok	juncus, water stain on rock, no surface water present
W75	ok	juncus
W77	ok, but low functioning	juncus
W78	ok but low functioning	no redox
W79	ok but low functioning	no redox
W80	ok	juncus
W81	ok	
W82	ok but low functioning	no redox
W83	ok but low functioning	Juncus, cattle tracks. Hill slope with questionable hydrology. Redox features present
W84	ok but low functioning	sparse saltgrss, redox features, gravel on road.
W85	ok but low functioning	questionable hydrology, Dense juncus, redox present
W87	ok	heavy redox
W88	ok but low functioning	
W90	ok, but low functioning	juncus covered hillside
W91	ok but low functioning	
W93	mapped incorrectly; should be "seasonal wetland swale"	
W94	ok	redox, juncus
W96	ok	redox
W98	ok	
W99	ok	juncus present
W100	ok	surface water visibel
W101	ok	surface water observed. Rabbit's foot grass in stream
W103	questionable	no redox, no depleted matrix. A12 may not be correct
W105	questionable	no water present, not much veg in channel. Juncus in meadow, redox features at 4-5 inches
W107	questionable	juncus, oleacea, redox features were observed under tree/shrub, might not be wetland
W110	move boundary away from road on east side	
W112	ok	weak redox
W116	ok	heavy redox

W117	ok	heavy redox
W118	ok	heavy redox
W119	ok	heavy redox
W120	ok	redox
W123 (near SP69-70)	should be pulled in approx. 20'	Spencer (WRA) noted the change

Water	action	notes
S1-1	ok	
S1-2	ok	OHWM-4'
S3-1	no	
S3-2	no	
S1	ok	
S4	ok	
S5	ok	
S6	ok	
S7	only lower half has OHWM	
S8	ok	
S9	ok	
S20	no	
S21	no	
S22	no	
S23	ok but shorten	
S24	ok	
S25	no	
S26	ok	
S27	no	swale
S28	no	swale
S29	no	swale
S203	ok	marginal but ok
S205	ok	
OW-1	where is this on map?	
OW-2	ok	questionable; no surface water present, bull rush
OW-3	ok	no surface water, PVC pipe used to funnel water into basin
OW-4	ok	soil cracks
OW-5	ok	
OW-6	ok	
A1	no	buffer only
A2	no	buffer only
A3	no	buffer only
A4	no	buffer only
A5	no	buffer only